

Creative Dispute Resolutions, LLC

Mediation, Arbitration, and Other Dispute Resolution Services Throughout Maryland and Washington, D.C.

E-Newsletter
January, 2010

Happy New Year!

FEATURED MEDIATOR



Joyce A. Mitchell, Esq.

Joyce Mitchell is one of the most experienced and successful ADR practitioners and trainers in our region. Joyce is the past Chair of the ADR Section for the Maryland State Bar Association and Montgomery County Bar Association, and she has been a full-time mediator and arbitrator for the past 14 years. In addition to this work, Joyce is an adjunct professor for two local law schools, and she serves as a trainer for both basic and advanced mediation and arbitration classes. Joyce's primary practice areas include labor and employment disputes, conflict management in the workplace, contracts, securities, and other business-related disputes.

Feature

Mediation and Arbitration for Workplace Disputes

While workplace disputes are always an issue, a bad economy inevitably leads to an increase in the number of employment lawsuits and charges being filed. Like most other forms of litigation, there are three consistent features of employment litigation -- it is expensive, time-consuming, and risky. Fortunately, there are alternatives that all employers and employees should strongly consider -- mediation and arbitration. These forms of ADR can help facilitate resolutions in the following types of matters: discrimination, harassment, retaliation, wrongful discharge, wage-and-hour claims, non-compete agreement violations, whistleblower actions, employee benefits disputes, employment contracts, and severance agreements.

Mediation of workplace disputes can save the parties considerable time and money, but it also provides a constructive opportunity for the parties to vent and to feel heard. Disputes that often seem intractable while in litigation can quickly resolve in mediation because the parties are able to express themselves and get "off their chest." ADR also allows the parties to craft creative solutions to their problems, which can be especially useful if there is an ongoing relationship between the parties or a contract to be modified.

Here is a link to an [outline](#) from a recent presentation on ADR in the context of workplace disputes, which covers this subject in greater detail.

- Erik C. Johnson

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Recent ADR Developments and News

Mediation and Arbitration Video Podcasts

To review Joyce Mitchell's complete biography, please [click here](#).

MORE Info

Interested in learning more about mediation, arbitration, or our other ADR services? Please contact us with any requests or questions you may have, or to inquire about a free seminar or presentation to your organization regarding the various ADR options.

Tel: (301) 977-8002

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If you are a business owner or a Human Resources professional and want to learn more about the basics of mediation and arbitration, check out these two five-minute [video podcasts](#). The videos cover the basics of these processes and explain how ADR can assist businesses resolve their disputes more effectively and efficiently than protracted litigation. [Back to top](#)

Conflict Resolution Training

Given the frequency with which workplace disputes arise, employers and other organizations are wise to learn more about the subject of conflict resolution. Regardless of the size of the organization, unresolved conflicts in the workplace can have serious and expensive repercussions. Creative Dispute Resolutions offers training programs that help equip businesses with the tools and skills needed to identify, address, and resolve the various forms of conflict that most frequently arise. Training options include discussions on these types of topics: conflict management, workplace communication skills, internal conflict resolution methods, negotiation skills, relationship-building, establishing grievance and dispute resolution procedures, and how to utilize the various forms of alternative dispute resolution.

Please [contact us](#) if your business, organization, or agency may need some form of conflict resolution training.

Foreclosure Mediation

According to a recent article in the *Washington Post*, Governor O'Malley is seriously considering a push for legislation that would require some effort at mediation before the foreclosure and eviction processes get underway. The objective of the putative legislation is to increase the number of loan modifications and alternative arrangements being struck between lenders and homeowners. Philadelphia has been operating a similar foreclosure mediation program since 2008, and, while not without some problems, it seems to be doing some good. There are a number of logistical issues that would have to be ironed out, but there is no doubt that the foreclosure problem in Maryland is big and in need of assistance.

Upcoming Events

ADR -- Tips for Advocates Presentations

Attorneys or HR representatives who represent clients at mediation sessions (or plan to in the future) should always consider ways in which they can be more effective advocates during the process. We are

currently putting together an insightful program designed to identify a variety of tips on how to be better advocates and representatives, including a detailed discussion regarding the following topics: (1) ways to prepare yourself and your client for mediation; (2) how to deliver an effective and disarming opening statement; (3) ways to evaluate potential damages and liability; (4) tips on how to interact with opposing parties and counsel during the process; (5) effective negotiation techniques; and (6) tips for how to work more effectively with the mediator.

Please [contact us](#) if you, your law firm, or your organization might be interested in such a presentation.

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